



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

**C-14J**

**Ms. Kim Ferraro  
Executive Director  
Legal Environmental Aid Foundation of Indiana, Inc.  
150 Lincolnway, Suite 3002  
Valparaiso, Indiana 46383**

**Re: Pines Site Technical Assistance Plan**

**Dear Ms. Ferraro:**

Thank you for your recent correspondence regarding the above-referenced matter. U.S. EPA understands the desire of your client, the P.I.N.E.S. Group, to obtain reimbursement for work it authorized its consultant to perform during the course of the Remedial Investigation (RI) at the Pines Site.

U.S. EPA required Respondents performing the RI to enter into a TAP Agreement with your client in order to provide funding to your client for technical assistance during the remedial process at the Pines Site. The TAP Agreement between your client and the Respondents specifically sets forth criteria which must be met before additional funding may be authorized. U.S. EPA understands that the original TAP Agreement's criteria for additional funding was incomplete, causing your client's initial request for funding beyond the original grant of \$50,000 to be denied. Notwithstanding this denial, and at a time when your client knew that no funds were available or authorized under the TAP Agreement or otherwise, your client appears to have authorized its consultant to continue to perform work and incur approximately \$82,000 in additional costs.

U.S. EPA is unable to make public funds available to your client, after the fact, for reimbursement of the unauthorized costs incurred by its consultant. Likewise, EPA believes that there is no basis to require the Respondents to pay these unauthorized costs. In an effort to assist your client in this matter, U.S. EPA offered publicly funded mediation services between your client and the Respondents, which your client has apparently declined.

Within the past year the TAP Agreement was amended to include the proper criteria for additional funding, and your client's subsequent request for additional funding was approved. In order to make the additional authorized funding available to your client, the TAP Agreement requires that a budget and work plan be submitted for review and approval. Tim Drexler, the

Remedial Project Manager, has offered to assist your client in the development of a work plan, and U.S. EPA will continue to offer to meet with and assist your client in its role as the designated community group for the Pines Site.

U.S. EPA encourages your client to re-engage in the remedial process without delay by submitting the required documents and making the newly authorized funds available. Please feel free to contact me at 312-886-6609 if you wish to discuss this matter further.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Larry L. Johnson', with a stylized, flowing script.

Larry L. Johnson  
Assistant Regional Counsel